

CHAPTER 5

APPROPRIATIONS — REGULATORY AND EXPENDITURE MATTERS

H.F. 698

AN ACT relating to regulatory and expenditure matters, making appropriations, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **APPROPRIATIONS FOR TEMPORARY UTILITY BOARD AND CONSUMER ADVOCATE STAFFING.** The utilities board and the consumer advocate may employ additional temporary staff, or may contract for professional services with persons who are not state employees, as the board and the consumer advocate deem necessary to perform required functions, including but not limited to, review of power purchase contracts, review of emission plans and budgets, and review of ratemaking principles proposed for construction or lease of a new generating facility pursuant to 2001 Iowa Acts, House File 577,¹ if enacted. Beginning July 1, 2001, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board and the consumer advocate to hire additional staff and contract for services under this section. The costs of the additional staff and services shall be assessed to the utilities pursuant to the procedure in section 476.10 and section 475A.6.

Sec. 2. **WORKFORCE ATTRITION PROGRAM AND FUND.**

1. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department of management shall establish a workforce attrition program. The department shall administer the program as necessary to achieve the goal of eliminating full-time equivalent positions in the executive branch of state government that approximate the number of executive branch employees who voluntarily retire during the fiscal year.

2. a. The department shall establish a workforce attrition fund to receive transfers of moneys from executive branch agencies and departments representing unused general fund wages and benefits, after payment for vacation or sick leave benefits, of employees who retire during the fiscal year.

b. Unless an exception is authorized in accordance with paragraph "c", if an employee of an executive branch department or agency voluntarily retires during the fiscal year, the department or agency shall transfer to the workforce attrition fund the remaining amount of general fund salary and benefits, after payment for vacation or sick leave benefits, that would have been expended had the retired employee remained on the payroll for the balance of the fiscal year. In lieu of reporting in accordance with section 8.39, the department of management shall report monthly to the legislative fiscal committee and the legislative fiscal bureau concerning the transfers made to the workforce attrition fund.

c. The department or agency table of organization shall be revised to reflect the elimination of an equivalent number of positions as retire in the department or agency during the fiscal year. However, if the department determines that eliminating a full-time equivalent position would severely impact the department's or agency's mission or services, the department or agency may appeal to the department of management for an exception. If the department of management concurs with the department's or agency's determination, the exception shall be granted, the transfer to the workforce attrition fund shall not be made, and the table of organization shall not be revised.

3. Moneys transferred to the workforce attrition fund are not subject to further transfer under section 8.39 or any other provision of law and shall not be encumbered or obligated unless appropriated. The moneys in the workforce attrition fund at the close of the fiscal year beginning July 1, 2001, shall be transferred to the general fund of the state and the program and fund shall be eliminated.

¹ See 2001 Iowa Acts, Extraordinary Session, chapter 4 herein

Sec. 3. Section 12.72, subsection 4, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. The treasurer of state may create and establish one or more special funds, to be known as "bond reserve funds", to secure one or more issues of bonds or notes issued pursuant to section 12.71. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available by the state or the treasurer for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions authorizing their issuance, and any other moneys which may be available to the treasurer for the purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

b. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys of the treasurer are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the treasurer to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

c. The treasurer of state shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the resolutions authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the authority² in the applicable bond reserve fund.

Sec. 4. Section 12.82, subsection 4, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. The treasurer of state may create and establish one or more special funds, to be known as "bond reserve funds", to secure one or more issues of bonds or notes issued pursuant to section 12.81. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available by the state or the treasurer for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions authorizing their issuance, and any other moneys which may be available to the treasurer for the

² "Treasurer" probably intended

purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

b. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys of the treasurer are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the treasurer to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

c. The treasurer of state shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the resolutions authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the authority³ in the applicable bond reserve fund.

Sec. 5. 1998 Iowa Acts, chapter 1219, section 6, subsection 6, is amended by adding the following new paragraphs:

NEW PARAGRAPH. a. The department of general services is authorized pursuant to section 18.12, subsection 12, to dispose of the real property located at the northwest corner of the intersection of Grand and Pennsylvania avenues on which the parking structure is to be located and any structures located on such real property. The department may enter into an agreement under chapter 28E with public and private agencies for purposes of the planning, design, construction, ownership, operation, or maintenance of the parking structure. In conjunction with the chapter 28E agreement, the department is authorized to enter into a long-term lease agreement for office space located on property adjacent to the property on which the parking structure is to be located.

NEW PARAGRAPH. b. The department may obligate and use moneys appropriated in this subsection as consideration to acquire on behalf of the state an interest in the completed parking structure and real property on which the parking structure is located pursuant to the terms of the chapter 28E agreement described in paragraph "a". Notwithstanding anything to the contrary in section 18.12, subsection 12, moneys expended from the appropriation in

³ "Treasurer" probably intended

this subsection that are reimbursed to the department by a party to the chapter 28E agreement shall be credited to the appropriation in this subsection and shall be used to acquire an interest on behalf of the state in the completed parking structure and real property as described in this paragraph.

NEW PARAGRAPH. c. Notwithstanding section 8.33 or any provision of this section to the contrary, unencumbered or unobligated funds remaining on June 30, 2003, from the funds appropriated in this subsection, shall revert to the rebuild Iowa infrastructure fund on August 31, 2003.

Sec. 6. 1999 Iowa Acts, chapter 204, section 4, subsection 6, is amended by adding the following new paragraphs after the last unnumbered paragraph:

NEW PARAGRAPH. a. The department of general services is authorized pursuant to section 18.12, subsection 12, to dispose of the real property located at the northwest corner of the intersection of Grand and Pennsylvania avenues on which the parking structure is to be located and any structures located on such real property. The department may enter into an agreement under chapter 28E with public and private agencies for purposes of the planning, design, construction, ownership, operation, or maintenance of the parking structure. In conjunction with the chapter 28E agreement, the department is authorized to enter into a long-term lease agreement for office space located on property adjacent to the property on which the parking structure is to be located.

NEW PARAGRAPH. b. The department may obligate and use moneys appropriated in this subsection as consideration to acquire on behalf of the state an interest in the completed parking structure and real property on which the parking structure is located pursuant to the terms of the chapter 28E agreement described in paragraph "a". Notwithstanding anything to the contrary in section 18.12, subsection 12, moneys expended from the appropriation in this subsection that are reimbursed to the department by a party to the chapter 28E agreement shall be credited to the appropriation in this subsection and shall be used to acquire an interest on behalf of the state in the completed parking structure and real property as described in this paragraph.

NEW PARAGRAPH. c. Notwithstanding section 8.33, or any provision of this Act to the contrary, unencumbered or unobligated funds remaining on June 30, 2003, from the funds appropriated in this subsection, shall revert to the rebuild Iowa infrastructure fund on August 31, 2003.

Sec. 7. **EFFECTIVE AND APPLICABILITY DATES.** This Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor after July 1, 2001, shall apply retroactively to July 1, 2001.

Approved July 5, 2001